

ARKANSAS SUPREME COURT

No. 05-135

BUFFORD McDONALD
Appellant

v.

LARRY NORRIS AND BROOKS PARKS
Appellees

Opinion Delivered September 28, 2006

PRO SE PETITION FOR REHEARING
[CIRCUIT COURT OF IZARD
COUNTY, CV 2004-50, HON.
TIMOTHY M. WEAVER, JUDGE]

PETITION DENIED

PER CURIAM

Appellant Bufford McDonald is an inmate incarcerated in the Arkansas Department of Correction. He filed a *pro se* petition for writ of *habeas corpus* in Izard County Circuit Court, which was denied. This court affirmed the denial of the petition in an unpublished opinion. *McDonald v. Norris*, CR 05-135 (Ark. June 29, 2006) (*per curiam*). Appellant now brings this petition for rehearing of that decision.

Rule 2-3(g) of the Rules of the Arkansas Supreme Court provides that a petition for rehearing should be used to call attention to specific errors of law or fact which the opinion is thought to contain and not to repeat arguments already considered and rejected by this court. The petition must cite to facts the appellant contends were overlooked and provide references to the abstract or addendum as required by Ark. Sup. Ct. R. 2-3(h).

Although appellant purports to point to specific errors, his references to factual error are not to any fact that was not considered, and his arguments do no more than repeat his arguments already

advanced, merely contending that our conclusions and assessment of those facts are in error. For example, appellant complains that this court should not have characterized letters from the lieutenant governor and a state senator as only referring him to others for assistance. Appellant contends that we must interpret the statements in those letters as he does, as offering support for his claim that he is imprisoned for a crime not committed. Appellant made the same argument in his brief on appeal, and those letters were before us in the record on review to aid in drawing our conclusions.

As further example, appellant asserts as fact overlooked by this court multiple judgments entered without his presence in court. Yet, as noted in our opinion, appellant did argue that the judgment was invalid because he did not appear in court for a hearing concerning the amended judgment. As we also noted in our opinion, appellant did not offer any authority to support his contention that the lack of a hearing should invalidate the judgment. Appellant has not noted any factual error by this court.

Nor has appellant pointed to any error of law. Appellant contends, as he did in his brief, that the trial court lost jurisdiction because the speedy trial rules were violated, asserting that this is a well-settled rule of law. However, he cites no further authority on the point, and, as we indicated in our opinion, the claim is not one of jurisdiction, as it may be waived by entering a plea of guilty.

Appellant attempts to raise a number of extraneous issues, as well. He takes issue with our statement that he criticized the circuit court as reluctant to grant a hearing, and yet admits that he received one hearing, while asserting that this court erred in determining that he was not entitled to a hearing. As we noted in our opinion, whether he received a hearing is of no relevance, as appellant did not state a basis for relief in his petition. Appellant also attacks our denial of his motion for

appointment of counsel,¹ contending that *pro se* appeals are not granted, and asserts that the proper jurisdiction for a proceeding on his *habeas corpus* petition should be in the trial court. As these issues are not appropriate to a petition for rehearing on our previous decision, we do not address them.

Petition denied.

¹ Appellant's motion for appointment of counsel was denied in an unpublished opinion. *McDonald v. Norris*, CR 05-135 (Ark. January 12, 2006) (*per curiam*).